THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18800 OF 2003

21.08.2006

Between:

Dr.Ambedkar SC Salt Workers Industrial Coop Society Ltd.,
Alluru, Nellore District, represented by its President
Sri K.Mohandas

… Petitioner

AND

The Secretary to the Government of Andhra Pradesh,
Revenue (Assignment) Department, Secretariat, Hyderabad

… Respondent

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WRIT PETITION No.18800 OF 2003

ORDER:

Dr.Ambedkar S.C. Salt Workers Industrial Cooperative Society Limited filed the instant writ petition seeking a writ of Mandamus directing the respondent to grant lease of land admeasuring Acs.42.90 in survey No.461 (R.S.Nos.847 to 850) of Gogulapalli Village of Alluru Mandal in Nellore District to the petitioners for a period of twenty five years for the purpose of salt cultivation.

This Court admitted the writ petition on 05.9.2003 and ordered notice in W.P.M.P.No.23482 of 2003, but no interim orders are passed. In 2004, the petitioner filed W.P.M.P.No.33098 of 2004 seeking a direction to the Registry to post W.P.M.P.No.23482 of 2003 before the Court. When this was listed, the Court heard the matter finally with the consent of the learned counsel for the petitioner and learned Assistant Government Pleader for Revenue (General).

The petitioner is an unregistered society. It consists of members belonging to Scheduled Caste. It was started with the object of salt cultivation in Gogulapalli Village. It was allegedly in possession of the land admeasuring Acs.42.90 since 1980 for the said purpose. When the petitioner approached the Syndicate Bank, Alluru for financial assistance, the latter required a regular lease deed in favour of the petitioner society. Accordingly, the petitioner approached the respondent on 25.2.1994 requesting for grant of lease for twenty five years. It is also sated that the Mandal Revenue Officer, Alluru (MRO), Revenue Divisional Officer, Kavali (RDO), District Collector, Nellore, and the Commissioner of Land Revenue, recommended to the Government for grant of lease in favour of the petitioner, in vain. Therefore, the present writ petition is filed.

The petitioner allegedly made an application on 25.2.1994 and the revenue officials recommended the grant of lease. According to the petitioner, the Commissioner of Land Revenue, by letter dated 07.9.1998 addressed to the Government recommended grant of such lease. Curiously, the petitioner filed the writ petition only in August 2003. A perusal of the report of the MRO dated 05.4.1994 sent to the

District Collector, Nellore, would show that the petitioner society dropped salt cultivation from 1989 due to incessant cyclones. This would only show that from 1989 onwards, the petitioner society or its members are not in possession of the land in survey No.461. Secondly, it is not denied nor disputed that the authority to grant lease of land for salt cultivation is the Commissioner of Salt, but he is not made as party to the writ petition. Therefore, no direction can be granted to the respondent. The petitioner is given liberty to approach the Salt Commissioner having jurisdiction over Nellore and make a representation for appropriate orders.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

August 21, 2006
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